

TA-1193-2023

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.109

TA-1193-2023

Date of Decision: 24.10.2024

POOJA

....Applicant

Versus**KAPIL MANGA**

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashish Rana, Advocate
for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/245/2023, titled '*Kapil Manga Vs. Pooja*', filed by the respondent-husband, pending in the Family Court, Jagadhri and she seeks transfer of the same to the Court of competent jurisdiction at Panipat.

In pursuance of the notice issued, none has made appearance on behalf of the respondent. Even, on the last date of hearing, none had appeared on behalf of the respondent. As such, he is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage had taken place, between the parties to the lis on 05.12.2014 and one daughter was born from the said wedlock in the year 2015, who is in the care and custody of the applicant. Relating to the matrimonial dispute, the

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applicant has filed the criminal case under Sections 323, 34, 406, 498-A and 506 IPC. However, on account of the compromise, FIR was quashed by this Court, vide order dated 28.09.2022. Thereafter again, the dispute arose between the parties and the respondent had filed the divorce petition. However, the applicant had not filed any litigation thereupon. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 100 kilometres, to defend the divorce petition, more particularly, while taking care of the minor child.

In view of the submissions made aforesaid and also keeping in view the preference to be given to the convenience of the wife, in case of transfer applications, relating to the matrimonial dispute, the application is accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/245/2023, titled '*Kapil Manga Vs. Pooja*', filed by the respondent-husband, stands transferred from the Family Court, Jagadhri, to the Court of competent jurisdiction at Panipat. The requisite record of the aforesaid case be sent by the Family Court, Jagadhri, to the District and Sessions Judge, Panipat.

Learned District and Sessions Judge, Panipat, shall assign the said petition to the Family Court, Panipat. Even, the parties are directed to appear before the Family Court, Panipat, within a period of one month from today onwards.

24.10.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No